The Crime Bill Is Itself A Crime Against Justice, P. 4

The Most Candid Definition Yet of What Vietnamization Means

The most candid definition of Vietnamization we have yet seen turned up in an editorial, "How Not to Win The War", in the Jan. 15 weekly edition of the Paris Le Figaro, which is conservative and pro-American. It said Ambassador Bunker in Saigon once admitted that Vietnamization consisted only in changing "the color of the corpses."

I. F. Stone's Bi-Weekly

VOL XVIII, NO. 3 FEBRUARY 9, 1970 WASHINGTON, D. C. 20 CENTS

Nixon, Inflation and The War

Like Lyndon Johnson, Nixon plays the numbers game. In his TV address on the HEW veto, he said the new budget for fiscal '71 would call for "a smaller percentage of Federal spending for defense than in any year since 1950." This tricky wording is deceptive. In fiscal '50 total Federal spending was $76.7 billion and the military took $13 billion or about 16%. The fiscal '71 Budget on the other hand will be in the neighborhood of $198 billion. The best information available (*Aviation Week,* Jan. 26) as this is written almost a week before the new budget was to be published, places the military's portion at $71.1 billion. That is about 35% of total Federal outlays, or twice the percentage in 1950, and the total is five and a half times as great. Is is $20 billion—or 40%—larger than military spending in the most costly year of the Korean war, and less than $20 billion below the peak year of the Second World War. That is not much to boast about when Vietnam is supposed to be tapering off.

Still Spending More Than Last Year

Despite a flood of figures about cuts, military spending is tapering off very slowly. So is the Vietnam war. Although Defense Department appropriations for the current fiscal year are $5.3 billion below last year, this has yet to be reflected in actual spending. The latest Treasury cash disbursal figures show that on Jan. 22, after almost seven months of this fiscal year, total DOD spending was almost $400 million *greater* than in the corresponding period of fiscal '69. If the current rate is projected for the rest of the fiscal year, actual spending would be almost $78 billion, or $6 billion more than has been budgeted. This is possible because (as the House appropriations report on fiscal '70 noted) the military have almost $40 billion in unexpended balances from past years. From an inflationary point of view, it is the spending that counts. This spending record makes the disputed extra $1 billion on the HEW bill look like a minor matter. It is indeed about one-half of one percent of the total budget and one-tenth of one percent of gross national product. In stressing it, Nixon was straining at a gnat while swallowing a camel.

The main source of the inflation is military spending, and the biggest single item is still the Vietnam war. If Nixon were seriously preparing to get out of it as soon as possible, he would be emphasizing this. Instead the veto broadcast, like the State of the Union message, distracts attention from the role of the war in inflation, and seeks instead to blame the inflation on general Democratic spending policies. This is the impression created when he said the inflation was caused by a cumulative $57 billion deficit in the decade of the Sixties. This again gives a false picture. Deficits have been the rule during the past two decades. The Republicans under Eisenhower and Nixon only balanced the budget in 3 of their 8 years in office, and their biggest deficit, $12 billion in fiscal '59, was 50% greater than any Democratic deficit until Johnson plunged into the Vietnam war in 1965.

Truman, by raising taxes and imposing excess profits taxes, kept deficit financing within bounds during the Korean war. Johnson used deficit financing for three years without objection from the Republicans either to the war or to his failure to prevent inflation by raising taxes to meet the cost. The result was a cumulative deficit of almost $38 billion for the first three years of the war, from fiscal '66 (which began July 1, 1965) through fiscal '68. This was the biggest inflationary shot in the arm for the economy since World War II. By the Pentagon's own latest figures, the Vietnamese war by next June 30 will have cost us $104.5 billions in 5 years, or an average of $25 billion a year. It is this stupendous and wasteful expenditure which provided a stock market boom for the well-to-do and set off the inflation eating into the average family's budget. This is why we are paying now with a business contraction and an unemployment rise to get the inflation under control. The poor pay the most but every family pays some of these hidden "taxes" which inflation and deflation impose. The cause is the Vietnam war.

The latest Pentagon projection for the cost of the war in

(Continued on Page Two)

Free and Unlimited (Deleted) Debate

Mr. FULBRIGHT. Nearly everyone that has spoken out recently has said that they think it was a mistake to become involved in Vietnam or, in this instance, Laos. [Deleted.] This is a major operation. [Deleted.]
Mr. ELLENDER. [Deleted.]
Mr. FULBRIGHT. [Deleted.]
Mr. ELLENDER. [Deleted.]
Mr. FULBRIGHT. [Deleted.]
Mr. ELLENDER. [Deleted.]
Mr. FULBRIGHT. [Deleted.]
Mr. ELLENDER. [Deleted.]
Mr. FULBRIGHT. [Deleted.]
I think we should know how much we are spending for this operation which is beginning to be a major war. To stretch the concept of the SEATO treaty into this area is a major expansion of it . . .

—From the Dec. 15 Senate debate on Laos after it was censored—Cong. Rec. Jan. 21, E155.

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Nixon's Emphasis On A "Just" Peace Implies A Prolonged War

(Continued from Page One)

the fiscal year beginning next July 1 is $17 billion. This is $6.2 billion less than the projected cost this fiscal year. If this "peace dividend" were made available to civilian needs then the new Department of Defense budget ought to be $6.2 billion below the $71.6 billion budget for fiscal '70. The figure which leaked from the Pentagon to industry sources for fiscal '71, however, is $71.1 billion. If this is correct then the Pentagon gets all but half a billion of that "peace dividend." So while Nixon is picking a major political fight over $1 billion more for education, and representing this as somehow crucial in the battle against inflation, the military is quietly adding to its expenditures $5 billion or more in expected savings on the Vietnam war.

In No Hurry to End the Fighting

Nixon is playing down the significance of the Vietnam war in the inflationary picture because he is in no hurry to bring it to a close. He has been encouraged in this by public apathy, and the comfortable belief that the war is practically over. In this connection I want to call attention to passages in the State of the Union message which are most disturbing. These repeatedly emphasized a "just peace." Just what Nixon means by a just peace was nowhere made clear. He wants "our generation" to be remembered "not so much as the generation that suffered in war" but for "the courage and character" to win "the kind of a just peace that the next generation was able to keep." Courage and character are only necessary if the struggle is to be long drawn out. This is an echo of the Johnson-Rusk rhetoric which portrayed the leader of a tiny Southeast Asian country as if he were Der Fuehrer of a major Western military power which threatened world conquest. Any compromise in this perspective was "Munich" all over again, a case of appeasement, buying peace now at the expense of war later. If Vietnam is of that importance, it is our duty to stick until we have won victory. That's how Johnson and Rusk saw it. Is that how Nixon sees it too?

What is a "just peace" in Vietnam? Is it "just" to keep this divided country plunged into bloodshed until we have shown that the *Pax Americana* dare not be challenged? Does a just peace mean continuing the fighting, whether we carry the main military burden or the South Vietnamese army does, until South Vietnam is firmly established like South Korea in the American sphere of influence? Is it a just peace to impose a military dictatorship on the South Vietnamese people in the process? Is it just to support a regime which denies them freedom of press and political activity? Is it just to avoid any compromise which would bring the terrible bloodshed to an end? What does Nixon mean by "justice" in this context? What is he asking us to show "courage and character" for? Was he afraid to use the plainer term "patience" to a country impatient for an end of the fighting? Is it "just" to ask the American people to go on tightening their belts, eschewing urgent reforms, postponing necessary social expenditures to pursue the same Johnson-Rusk dream of a final political (and therefore military) victory in a far-off Asian country?

Not All Combat Troops Out?

There are other indications that Nixon is settling down for a long pull in Vietnam. Stuart H. Loory in the *Los Angeles Times* Jan. 20 called attention to one. In his Dec. 8 press con-

Freedom of Information, Army Style

SAIGON (UPI)—The U.S. Army will forbid newsmen to speak with American war prisoners when they are released by the Vietcong because some have spoken well of their captors, informed military sources said today. Commanders made the decision, the sources said, after three Americans released in November and two in December spoke highly of the enemy. One said he could never fight the Vietcong again. The sources said the remarks were exploited by Communist propagandists throughout the world and were not in line with U.S. Defense Department statements about bad treatment of American prisoners . . . Sources said the Army may make an exception if a former prisoner is found during debriefings to be hostile to his captors . . .

—Washington Post, Jan. 16.

The Best Proposal Yet For The SALT Talks But It Got Little If Any Press Coverage

Many members of this body hope that the forthcoming SALT talks will result in significant agreements on arms control. But the range of alternative proposals that could lead to agreements is severely limited.

There are only three basic possibilities. First, we might seek a series of partial agreements. We might, for example, try to limit only ballistic missile defenses, or the testing and deployment of multiple warheads, or the introduction of new families of strategic weapons.

Second, we might seek an agreement only on the total numbers of offensive and defensive weapons. Thus we might, for example, permit each side to have 1500 missiles and 500 missile defense interceptors. Such an agreement of course would not halt the qualitative arms race in which each permitted missile can be made larger, or fitted with a more powerful or more efficient warhead.

Third, we might seek an "in-place halt." Such an agreement would freeze not only numbers but characteristics of weapons. This would truly bring the arms race to a full stop for a period of a few years.

It is important not to lose sight of the many political and strategic advantages of negotiating the third type of agreement. It would avoid the time-consuming negotiation of partial measures complicated by an ever-changing strategic and political context. Unlike a loose overall agreement, which would limit only the quantity of weapons, the "in-place halt" would also prohibit a qualitative arms race.

Moreover, an "in-place halt" would preserve the rough parity in strategic weapons that is acknowledged by both sides, and therefore would not jeopardize the security of either the United States or the Soviet Union.

Strategically, a failure to exploit the present opportunity for a successful halt to the arms race may have an adverse effect on American security. From the most secure nation in the world we have become one of the countries most likely to be incinerated. Our security can be still further eroded by the development of ever more destructive and less controllable weapons.

—Sen. Gravel (D. Alaska). Cong. Rec., Jan. 20, S200. (Abridged.) *The speech got almost no press coverage.*

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"Now Or Never" On Pollution Requires A "Now Or Never" On Vietnam

ference, Nixon said "We have a plan for the reduction of American forces in Vietnam, for removing all combat forces from Vietnam, regardless of what happens in the negotiations." But on Jan. 19, three days before the State of the Union message, his press secretary, Ron Ziegler, told the press the goal was "to remove American troops from a combat role in Vietnam." As Mr. Loory pointed out, "There is a big difference between removing troops from a combat role, while possibly leaving them in Vietnam, and removing combat troops from the country altogether." But in response to questions Mr. Ziegler three times repeated the same formula. It fits with earlier indications that the plan is to leave sufficient combat troops in Vietnam to protect the installations from which our air, artillery and other auxiliary forces would operate in support of the South Vietnamese army. Obviously we don't have enough faith in "Vietnamization" to trust these installations to the protection of the ARVN troops.

$17 Billion A Year For How Many More Years?

To "remove American troops from a combat role" is to move them into enclaves, but not enclaves in preparation for a cease-fire, as in the Gavin plan, but into enclaves which would be fortresses from which our support troops would help ARVN continue the war until they get what Nixon and Thieu consider a just peace. Since our half million troops were about equally divided between combat and support forces, this new formula could easily mean a minimum of 300,000 troops in South Vietnam for a protracted stay. The peak year of Vietnam expenditures was fiscal '69, Johnson's last, ending June 30, 1969. The Pentagon, which doesn't overestimate these things, figures the cost that year at $28.8 billions. Half that would be $14 billion. A force of 300,000, or 50,000 more than half, could easily cost $17 billion, which is what the Pentagon figures for the next fiscal year. That's a lot of money when we're pinching everything else.

Nixon's State of the Union message reminded me of so many mediocre sermons I covered years ago as a cub reporter. It had the same innocuous "inspirational" rhetoric, firmly against sin—in this case pollution—but not so specifically as to alarm any rich parishioners. It is appalling that all this self-congratulatory purple prose is taken so seriously by our communication media. It served only to hide a reality the country must face. Until the Vietnam war is over, the fight against inflation cannot be won. Until that fight is won, every effort at ending pollution and our other social ills is doomed by high interest rates, constricted credit and a business slowdown. Peace in Vietnam is the first priority. Withdrawal is the first necessity. "It is time," Nixon said of the litter in the cities, "for those who make massive demands on our society to make some minimal demands on themselves." This a dirty dig at the blacks and the poor in the ghettoes. It will be much appreciated in white Southern country clubs.

Stay-at-Home But Fly-to-Trouble

One idea [as Lockheed worries over the cutback in Pentagon procurement of the C-5A transport plane] is to sell the Air Force a tanker version of the C-5A. Lockheed designers are hard at work on this project. The flying fuel station, goes the argument, would enable other American aircraft to fly farther from their home bases, thus offsetting the loss of foreign military bases as President Nixon makes good on his pledge to pull in the nation's horns. Fitting in with this stay-at-home strategy for American military forces is an Air Force plan to expand its fleet of airplanes for transporting men and equipment speedily to world trouble spots.

—George C. Wilson, Pentagon correspondent of the Washington Post, *writing from the Lockheed plant in Marietta, Ga. Jan. 23.*

Still Making Like Billy Graham

We would like to turn the dig around. Who makes the most massive demands on our society? The Pentagon. It is time the military were forced to make the minimal acknowledgment that the Vietnam war is not worth its enormous cost from any point of view, and that we cannot face the problems crowding in on us until we get our troops out. Until then talk of ending the pollution of our air and water, the erosion of our resources, the decay of our cities and the racial polarization of our country is just the kind of Billy Graham hot air in which Richard Nixon loves to indulge. *Jan. 27*

Why We Think The Chicago Black Panther Killings Were a Deliberate Police Ambush

We believe James Montgomery, counsel for the Black Panthers in Chicago, was thoroughly justified in terming the special coroner's jury in the Hampton-Clark killings "nothing but a well-rehearsed theatrical performance to vindicate the police." Its verdict was that the police fired their guns in their Dec. 4 predawn raid in the "reasonable belief" that it was necessary to prevent death or bodily harm to themselves. This is cynical and disingenuous.

The police were inviting trouble when they staged their raid at such an hour. The Black Panthers feel themselves a special target. They would reasonably fear this was a police ruse to get them, as we think it was. If the police didn't want a shootout, they could have brought tear gas or they could have picked a daylight hour.

Illegal possession of weapons is a common offense. A predawn raid for illegal possession would risk a gun battle in many quarters much more moderate than the Black Panthers, including the white suburbs. It is in our opinion a "reasonable belief" that the timing and manner of the raid was designed to provide an excuse for a gun battle in which the police would have the advantage of surprise. The word for this is ambush, and the word for what happened is murder.

That seems to us obvious. We suspect that fuller investigation would uncover a more sinister story. The Panthers are heavily infiltrated. The Panthers claim someone drugged Fred Hampton, their Illinois chairman, that night. A private pathologist retained by the family claims to have found large traces of Seconal, a sleep-inducing drug in his blood. Was this part of the advance planning for the raid?

There are many strange discrepancies in the police testimony at the inquest. Some were spelled out by John Kifner in an admirable analysis published by the New York Times Sunday Jan. 25. A telling question is why, if the volume of fire was as heavy as police claim, "the only injuries they received came when one policeman cut his hand breaking a window with his pistol and another was grazed by gunfire coming through a wall, apparently fired by the police"?

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The Nixon-Mitchell Crime Bill Is Itself A Crime Against Justice

It is the duty of the American bar to mobilize for the House hearings on the new crime bill. It was passed by the Senate 73 to 1 after two days of inadequate discussion. To vote against an anti-crime bill in the current atmosphere was like voting for sin. Metcalf of Montana was the only "nay". The others opposed swallowed their misgivings rather than have such a vote on their record.

Fortunately neither Chairman Celler of House Judiciary, nor its ranking Republican, McCulloch of Ohio, are disposed to be stampeded. The day after the bill passed the Senate, Celler said "probably most" of the Nixon anti-crime proposals were unconstitutional "and will never be passed" by the House. McCulloch said he had no intention of "rushing through" any measures that would not stand up in court.

The Primitive Reaction to Crime

This bill represents the primitive reaction that the way to cope with crime is by longer punishment and by short-circuiting constitutional guarantees to make conviction easier. But the more men in prison the more crime we breed. They are cesspools of demoralization. To clean up these schools of crime would cost billions, but it would do more than any other measure to lessen crime.

A major pillar of organized crime and official corruption is gambling. The laws against it reflect an unrealistic Puritan ethic and a lot of waste motion. Why not legalize horse-betting and lotteries, thus undercutting the crime syndicates and saving a lot of effort which could be better applied?

The most important area which needs fresh thinking is the dope traffic, the single most important source of crime in the streets and the destruction of the young. A comprehensive program to provide treatment would cost—but would be worth—a great deal. What if it were combined with registration of addicts and a legalized supply of drugs until treatment could take hold? This would undercut the drug trade.

Another source of crime is racial. It reflects a racism which condemns many blacks, Puerto Ricans, Spanish Americans and Indians to a life of despair. To make conviction easier at the expense of legal procedures designed to prevent injustice is to deepen their feeling that they are expendable, second-class citizens, and are justified in taking up the gun against a society that treats them as less-than-human refuse.

The bill the Senate passed is called the Organized Crime Control Act of 1969. But as Kennedy and Hart, the two dissenting members of Senate Judiciary objected, its reach goes far beyond organized criminal activity. It would put us one step further on the road to a police state by undermining Fifth and Fourth amendment guarantees, by revising a whole series of Supreme Court decisions going back to the 1890s which put a curb on unlawful police methods, and by further weakening safeguards against wiretapping. Goodell and Young of Ohio joined Hart and Kennedy in trying to amend some of these dangerous provisions but 20 votes was the largest number they could muster in opposition.

The bill runs a block-buster through established rules of evidence and procedure. It even eliminates the ancient two-witness rule in perjury which goes back to canon law. The most dangerous innovation would allow sentences of up to 30 years for "special offenders" convicted more than twice and imprisoned more than once for any crime punishable by imprisonment for more than one year even if the earlier offense was under juvenile court age. As the ACLU pointed out in an able memorandum, the conspiracy provisions of this new legislation could make "special offenders" of civil rights activists or political demonstrators. Senator Kennedy pointed out that both Dr. Spock and the defendants in the Chicago conspiracy trials might well come under these provisions. It would be a crime against justice in America to let this bill pass as written.

Red-Baiter As Well As Race-Baiter

"The defeatist and the isolationist of 1941 is a brother under the skin of the Communist front party of Henry the Treacherous Wallace today who plays Stalin . . . We shall not ever sit idly by while the sneaking and persistent efforts of the Communist snake slithers its way into the vitals of our nation."

—From Judge Carswell's "white supremacy" speech in 1948, as reprinted in the New York Times *Jan. 21.*

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Anguished apologies to Bernhardt J. Hurwood and maledictions on the gremlin which made his name turn up as Thurwood on our recent flaps advertising Stone's Hidden History which he reviewed so generously for the Saturday Review.

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4420 29th St., N. W.
Washington, D. C. 20008

Second class postage paid at Washington, D. C.

I. F. Stone's Bi-Weekly. 2d Class Postage Paid at Washington, D.C. Published every other Monday except in August at 4420 29th St., N.W., Washington, D.C. An independent bi-weekly published and edited by I. F. Stone; Circulation Manager, Esther M. Stone. Subscription: $5 in the U.S.; $6 in Canada; $10 elsewhere. Air Mail rates: $17 to Europe; $20 to Israel, Asia and Africa.

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